



UNITED STATES PATENT AND TRADEMARK OFFICE

mm

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,256	06/08/2001	Susan D. Wilson	469201-651	8180
27162	7590	03/15/2004	EXAMINER	
CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN 5 BECKER FARM ROAD ROSELAND, NJ 07068			SALIMI, ALI REZA	
			ART UNIT	PAPER NUMBER
			1648	

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/876,256	Applicant(s) WILSON ET AL.	
	Examiner A R Salimi	Art Unit 1648	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-54 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1648.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6, 45, drawn to a chimeric HPV L1 protein capable of eliciting antibody response, and a method of treating a papillomavirus infection, classified in class 424, subclass 204.1. (1st product, and a method of treating)

II. Claims 1,7-9, drawn to chimeric HPV L1 wherein three segments are fused together, classified in class 530, subclass 300. (2nd product)

III. Claims 1,10-12,19, 20, drawn to virus like particles, classified in class 424, subclass 192.1. (3rd product)

IV. Claims 1, 13-18, drawn to a gene encoding chimeric HPV protein, classified in class 514, subclass 44. (4th product)

V. Claims 21-24, 33, drawn to a method of inducing a high titer antibody or cell-mediated response, classified in class 435, subclass 5. (2nd method)

VI. Claims 25-28, 34, drawn to a method of inducing a high titer antibody or cell-mediated response administering virus like particles, classified in class 435, subclass 345. (3rd method)

VII. Claims 29-32, 35, drawn to a method of inducing a high titer antibody or cell-mediated response administering virus like particles with two types of chimeric HPVs, classified in class 530, subclass 388.3. (4th method)

VIII. Claims 36-41, 44, drawn to a method of vaccinating a subject against two types of HPVs, classified in class 536, subclass 23.72. (5th method)

IX, claim(s) 36, 42-43, drawn to a method of vaccinating wherein the vaccine comprises a tribrid type of chimeric L1 molecule, classified in class 435, subclass 235.1. (6th method)

X, claim(s) 46, drawn to a method of treating papillomavirus infection caused by a first HPV type, classified in class 435, subclass 173.3. (7th method)

Group XI, claim(s) 47, 48, drawn to a method of making a multi-HPV vaccine utilizing PCR, classified in class 435, subclass 69.1. (8th method)

Group XII, claim(s) 47, 49, drawn to a method of making a multi-HPV vaccine utilizing disassembly and reassembly, classified in class 435, subclass 320.1. (9th method)

Group XIII, claim(s) 50-54, drawn to a method of diagnosing prior or current papillomavirus infection, classified in class 435, subclass 7.9. (10th method)

The inventions are distinct, each from the other because of the following reasons:

Inventions of Groups I-XIII are mutually exclusive and patentably distinct products and methods. The products are structurally and functionally different and methods have different uses and delineate different results, and have different effect on interaction, antigenicity and immune response. Their structures and functionalities are different. The examination of all

groups would require different searches in the U.S. Patent Shoes and scientific literature and would require the consideration of different patentability issues.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. R. Salimi whose telephone number is (571) 272-0909. The examiner can normally be reached on Monday-Friday from 9:00 Am to 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached on (571) 272-0902. The Official fax number is (703) 872-9306.

Application/Control Number: 09/876,256

Page 5

Art Unit: 1648

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571 272-1600.

A. R. Salimi

3/12/2004

ALI R. SALIMI
PRIMARY EXAMINER